

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460**

August 9, 1994

Mr. Charles W. Winwood  
Assistant Commissioner  
Office of Inspection and Control  
U.S. Customs Service  
1301 Constitution Ave., NW  
Washington, D.C. 20229

Dear Mr. Winwood:

Thank you for your letters of June 30 and July 13, 1994, and the opportunity to review your Strawman Proposals regarding the Customs Modernization Act. We offer the following comments.

First, we commend you on the steps you have taken to increase the use of electronic information transfer for shipments traveling through U.S. borders. We believe this will greatly decrease the amount of time necessary to process shipments without compromising the ability of Customs agents to conduct thorough reviews of the shipments themselves. We believe that any decrease in the time hazardous materials shipments remain in the Customs areas may serve to reduce any potential risk to human health and the environment posed by the shipments.

We agree that it is appropriate for carriers to notify Customs if a shipment contains hazardous materials, hazardous wastes, or other potentially harmful articles so as to prevent these materials from entering the General Order Warehouses (where abandoned items are held prior to, for example, sale or destruction). Under the Resource Conservation and Recovery Act (RCRA), liability and severe penalties could be associated with any hazardous waste shipment that is abandoned. In addition, a location where hazardous materials are stored during the course of transportation would be subject to applicable regulations of the Department of Transportation including labeling, marking, and segregation.

In general, our office does not normally come into contact with many of the procedures and documentation requirements discussed in the Strawman proposals and, therefore, cannot comment in great detail. We are primarily concerned that any shipments of hazardous waste arriving at a Customs port, both for imports and exports, be accompanied by a Uniform Hazardous Waste Manifest, as required by 40 CFR 263.20. In the case of a hazardous waste export, an EPA Acknowledgment of Consent must also accompany the shipment, and the exporter must submit a copy of the Uniform Hazardous Waste Manifest to

the Customs agent as the waste exits the U.S. The Manifest is then transmitted to EPA. In the case of an import, a Uniform Hazardous Waste Manifest also must accompany the shipment. Pursuant to a Memorandum of Understanding between our two agencies, U.S. Customs collects a copy of the Uniform Hazardous Waste Manifest for exported shipments and transmits it to EPA. EPA intends to propose to amend our Manifest regulations in the near future so that importers are also required to submit a copy of the Manifest to the Customs agent as the waste enters the U.S. We will keep you apprised of any changes made to the Manifest regulations.

Again, thank you for the opportunity to comment on the Strawman proposals. If you have further questions, please feel free to contact me or Angela Cracchiolo of my staff at (202) 260-4779.

Sincerely,

David Bussard, Director  
Characterization Assessment Division  
Office of Solid Waste

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